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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,342	03/24/2006	Lawrence E. Holloway	434C-293	5372
1009	7590	09/26/2007		
KING & SCHICKLI, PLLC 247 NORTH BROADWAY LEXINGTON, KY 40507			EXAMINER WAGGONER, TIMOTHY R	
			ART UNIT	PAPER NUMBER
			3651	
			MAIL DATE	DELIVERY MODE
			09/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/573,342

Applicant(s)

HOLLOWAY ET AL.

Examiner

Timothy R. Waggoner

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-24 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13, 15, 25 is/are rejected.
- 7) ☒ Claim(s) 4, 14, 16-20 and 26-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 06/26/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,5,6 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang USPN 6,520,374.

Chang discloses a dispenser comprising:

(Re claim 1) “a container” (figure 1). “a holder held in said container” (figure 2). “a gate carried on said holder” (39,42A/B figure 2). “a lock for securing said gate” (50,44 figure 2).

(Re claim 2) “a controller in communication with said lock for regulating the movement of said gate” (48 figure 2).

(Re claim 5) “a container” (figure 1). “a holder having a first and second opening” (figure 2). “a displaceable gate positioned in communication with one opening of said holder” (39,42A/B figure 2). “a lock for preventing displacement of said gate” (50,44 figure 2).

(Re claim 6) “container includes at least one aperture” (36 figure 1).

(Re claim 8) “a dispensing member having at least one aperture adapted for receiving a pill” (64 figure 2). The dispenser as disclosed would be suitable to handle large pills.

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(Re claim 9) "dispensing member is in communication with one opening of said holder" (64 figure 2).

(Re claim 10) "gate controls the movement of said dispensing member" (40 figure 2).

(Re claim 11) "a controller in communication with said lock for regulating movement of said gate" (50,48 figure 2).

Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Halfacre USPN 6,415,202.

Halfacre discloses a dispenser comprising.

"determining a rate of release for a pill" (abstract). "programming a pill dispenser to release said pill" (abstract). "loading said dispenser with said pill" (abstract). "sealing said dispenser" (figure 1). "releasing said pill at said programmed release rate" (abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang USPN 6,520,374 in view of Welch USPN 4,501,380.

Chang discloses the dispenser as claimed in claim 5.

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Chang does not disclose a spiral storage member.

Welch teaches a dispensing supply in a helical pattern for storing a plurality of headed articles.

It would be obvious to one skilled in the art to modify the dispenser of change touse an alternate storage structures as taught by Welch because it is an alternate method for fee headed articles.

Claims 2,3,12,13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang USPN 6,520,374 in view of Kovens et al. USPN 6,182,861.

Chang discloses a dispenser as claimed in claim 1 and 11.

Chang does not disclose a microcontroller or sensors.

Kovens teaches both a micro controller and a series of sensors.

It would be obvious to one skilled in the art to modify the dispenser of Chang to include a microcontroller and sensors as taught by Kovens, because it provides for a networked controller to operate multiple dispensers with better inventory recording and controls.

Allowable Subject Matter

Claims 21-24 are allowed over the present prior art.

The following is a statement of reasons for the indication of allowable subject matter: Claims 21-24,26-30 and 4 are allowed over the present prior art of record because none of the prior art on record discloses neutralizing means.

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Claims 4, 14, 16-20 and 26-30 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPNs 6,286,714, 3,682,353, 5,833,117, 5,452,822 and 5,782,378.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Waggoner whose telephone number is (571) 272-8204. The examiner can normally be reached on Mon-Thu 8am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TRW



GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER